

CITY COUNCIL, CITY OF LODI
NEEDHAM SCHOOL, LITTLE THEATER
DECEMBER 15, 1971

A regular meeting of the City Council of the City of Lodi was held beginning at 8:05 p.m. on Wednesday, December 15, 1971 in the Needham School.

ROLL CALL

Present: Councilmen - EHRHARDT, HUGHES,
KIRSTEN, SCHAFFER and
KATNICH (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

PLEDGE

Mayor Katnich led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Kirsten, Schaffer second, the Minutes of December 1, 1971 were approved as written and mailed after making the following corrections:

Page 1 - Change "Mayor Kirsten" to "Mayor Katnich" led the Pledge of Allegiance to the flag.

Page 7 - Add to second paragraph from bottom of page the following, "The motion was seconded by Councilman Schaffer and carried."

Delete the last three lines on page 7 and the first four lines on page 8 and substitute the following language:

"He requested the Council to approve the concept of accepting a deed at this time, taking possession of the property now and arriving at a mutually satisfactory price for the property with the owner in the future. If the price cannot be agreed upon, then it would be necessary to file a condemnation suit. On motion of Councilman Schaffer, Katnich second, the Council approved the above recommendation of the City Attorney."

PUBLIC HEARINGS

STREET VACATION
FOR SUNSET DRIVE

Notice thereof having been published and posted in accordance with law, and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Katnich called for the public hearing on the recommendation of the Public Works Director to vacate a portion of Sunset Drive north of West Locust Street. Planning Director Schroeder introduced the matter and explained that this portion of Sunset Drive recommended for abandonment had never been improved as a street and it was noted there was no present or future use for this portion of street.

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There was no one present in the audience wishing to speak on this matter, and the public portion of the hearing was closed. On motion of Councilman Hughes, Schaffer second, the Council adopted its Order vacating a portion of Sunset Drive north of West Locust Street.

AMEND ZONING
ORD.-R-LD DIST.

ORD. NO. 965
INTRODUCED

Notice thereof having been published in accordance with law, and affidavit of publication being on file in the office of the City Clerk, Mayor Katnich called for the public hearing on the recommendation of the Planning Commission to amend the City Code (Zoning Ordinance) thereby adding Section 27-6A, R-LD, Low Density, Multiple-Family Residential District.

Planning Director Schroeder introduced the matter and explained the recommendation made by the Planning Commission at its meeting of November 22, 1971.

Speaking in favor of the matter were Mr. Terry Piazza, 4 South Pleasant Avenue and Mr. Ralph Lewis, 31 South Church Street. There being no others wishing to speak in favor or against the proposal, the public portion of the hearing was closed.

On motion of Councilman Schaffer, Hughes second, the City Council introduced Ordinance No. 965 amending the Code of the City of Lodi (Zoning Ordinance) thereby adding Section 27-6A, R-LD, Low Density, Multiple-Family Residential District, and establishing off-street parking requirements for two, three and four-family residences in the R-LD District.

P-D DISTRICT
ORD. NO. 966
INTRODUCED

Notice thereof having been published in accordance with law, and affidavit of publication being on file in the office of the City Clerk, the Mayor called for the public hearing on the recommendation of the Planning Commission to amend the Code of the City of Lodi (Zoning Ordinance) Section 27-B, P-D, Planned Development District, Subsection (f) Area Requirements to provide that no Planned Development zone shall be approved for an area of less than ten (10) acres except that an area of two (2) to ten (10) acres may be approved as a Planned Development zone if the following criteria are met:

- a. The proposed development consists entirely of residential uses.
- b. The proposed development does not exceed twelve and one-half units per acre.

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- c. The parcel proposed for the planned development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of the Zoning Ordinance.

Planning Director Schroeder discussed the Planning Commission's recommendation and gave the basis for the above criteria.

There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Councilman Schaffer, Hughes second, the City Council introduced Ordinance No. 966 amending the Zoning Ordinance as stated above.

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of December 13, 1971:

ABANDON DEAD-END STREET

RES. NO. 3577

The Planning Commission recommended the abandonment of a dead-end, unimproved street on the east side of South Orange Avenue approximately 295 feet south of the centerline of West Lodi Avenue.

The City Attorney advised the Council that the City had required the grantors to donate to the City the above described strip of land to be used for a street if the future development of adjoining property required a street. The land was deeded to the City by Harold L. Merrill and Isabella F. Merrill, his wife, on October 19, 1969, but was never improved as a street. He explained that the City does not now require the strip of land for a street and recommended the property be deeded back to the grantors. On motion of Councilman Schaffer, Kirsten second, the Council adopted Resolution No. 3577 authorizing the Mayor and the City Clerk to execute a deed conveying the above described parcel to Harold L. Merrill and Isabella F. Merrill.

ACTIONS OF INTEREST

Other actions of interest were as follows:

1. Instructed Chairman Avery T. Gassin to appoint a member of the Planning Commission to the County General Plan Advisory Committee without any further action from the Commission. This appointment was requested by Mr. Clifford Wisdom, Chairman, San Joaquin County Board of Supervisors.

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2. Reaffirmed its action of November 25, 1969 and recommended to the San Joaquin County Board of Zoning Adjustment the approval of the request of the Sanitary City Disposal Company for a Use Permit to add a solid waste transfer station to an existing garbage company corporation yard at the northern terminus of Cluff Avenue in an area zoned I-PA, Interim-Protective Agricultural.
3. Approved the Revised Tentative Map of Aladdin Gardens Subdivision, a 21.8-acre tract encompassing that portion of the R. M. Tindell property which lies south of the future extension of West Elm Street and east of Lower Sacramento Road.
4. Approved the request of Grand Auto, Inc. by Mr. Donald Rombough for a Use Permit to establish an automotive service center which includes the sale of gasoline and an automated car wash within an enclosed building at the southeast corner of West Lodi Avenue and South Hutchins Street.
Besides the standard conditions for automobile service stations, the Use Permit was conditioned upon (1) the closing of a driveway on South Hutchins Street and (2) the installation of an automated sprinkler system for the landscaping.
5. Approved the request of Dr. Walter Howen for a Variance to reduce the required front yard from 20 feet to 10 feet at the end of a cul-de-sac at 1406 Graffigna Street in an area zoned R-2, Single-Family Residential.
6. Approved the request of Mr. R. J. Thorpe for a Use Permit to relocate an existing automobile service station building from the northwest corner of West Lodi Avenue and South Hutchins to the northwest corner of South Central Avenue and Flora Street in an area zoned C-1, Neighborhood Commercial.

COMMUNICATIONS

LAKE PARK

A letter was received from the George Washington PTA expressing its desire for the City to purchase acreage east of Lodi Lake Park for recreational facilities.

PRIEST CLAIM
REJECTED

A Claim filed by Attorney Leroy F. Parker, 114 North San Joaquin Street, Stockton, on behalf of Tim Allen Priest, a minor, by and through his father and natural guardian, Lonnie E. Priest, in the sum of \$10,000 for false arrest was received.

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On motion of Councilman Kirsten, Schaffer second, the claim was rejected and referred to the City's Agent of Record.

J. BACARRO
RESIGNS
FROM C.A.C.

Mayor Katnich presented a letter of resignation received from Mr. Joseph Bacarro, the City's representative to the Board of Directors of the Community Action Council of San Joaquin County, Inc. On motion of Councilman Ehrhardt, Kirsten second, the Council accepted with regrets the resignation of Mr. Bacarro.

JAPANESE
STUDENTS

The Mayor also read a letter of appreciation received from the young men from Japan studying agriculture in Oregon and who recently visited Lodi.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$122,871.38 were approved on motion of Councilman Ehrhardt, Kirsten second.

ENGLISH OAKS
DEVELOPMENT

The City Manager presented for discussion the proposal of the developers of the English Oaks Manor, Westmont Development Company. Copies of the proposal were received by the Council prior to the meeting. The proposal of the Westmont Development was that the City accept the small "common area" designated on the plan as Parcel H, for development and maintenance. In exchange for the City's acceptance of the maintenance obligation, the Company would obligate itself to paying the City \$150 for each unit constructed until the sum reaches \$150,000. These funds would then be used by the City for construction of a swimming pool.

Mr. Robert Houston, Secretary of Westmont Development Company, and Mr. Victor Meyer, President of Westmont Development Company, 41 South Sacramento Street, were in the audience and discussed their proposal.

Parks and Recreation Director Ed DeBenedetti, who was also in the audience, said he had not had an opportunity to discuss the proposal with the Parks and Recreation Commission and suggested the matter be referred to that body as well as the Planning Commission for study.

After discussion by the Council, Councilman Kirsten moved the above matter be referred to the Parks and Recreation Commission and the Planning Commission for study and recommendation.

LIGHTING -
LAWRENCE
BASEBALL PARK

On motion of Councilman Kirsten, Ehrhardt second, the City Council approved the lighting for Lawrence Baseball Park as recommended by the staff (alternate 4).

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TRANSFER
OF FUNDS

City Manager Graves presented a request received from the Parks and Recreation Director for approval of transfer of funds. He explained that funds had been budgeted in the 1971-72 budget for constructing platforms on the light towers at the Stadium in the amount of \$6,000. Funds were not included in the budget for the sand to extend the beach at Lodi Lake Park. Mr. Graves explained that the cost for construction of the platforms on the light towers would be approximately \$3,000 and that river sand was now available to the City at a very reasonable cost. He recommended the City Council authorize the transfer of the unused funds from the platform project to permit taking advantage of acquiring the sand for the beach area at a reasonable cost. On motion of Councilman Ehrhardt, Kirsten second, the Council authorized the transfer of funds in the amount of \$3,000 from the Stadium lighting project to the Lake Park beach sand acquisition project.

FLOOD &
MUDSLIDE
INSURANCE

The City Council, on motion of Councilman Kirsten, Schaffer second, unanimously adopted Resolution No. 3575 qualifying the City of Lodi for Federal flood and mudslide insurance.

RES. NO. 3575

MASTER
METERING
POLICY

City Manager Graves stated that at a previous meeting the question of permitting developers of mobilehome parks to receive electric service through master meters and maintaining a private distribution system within the park had been discussed. Since there are presently two major mobilehome parks in the planning stage, he asked that the City's present policy permitting master meters be reviewed at this time.

After discussion of the advantages and disadvantages of master metering, Councilman Kirsten moved Council approval of the City permitting master metering in mobilehome parks. The motion was seconded by Councilman Ehrhardt and carried with Councilman Schaffer voting no.

COUNCIL
CHAMBERS

Mr. Fred Heagarty, Jr., of Heagarty Furniture and Interiors, 210 West Pine Street, discussed the carpet, drapery and color samples which the architect had chosen for use in the Council Chambers.

AWARD -
AUTOMOBILES

Only one bid was received for the three compact automobiles. The bid was from Weil Motors in the amount of \$5,829.75. The City Manager recommended the award be made to Weil Motors. On motion of Councilman Schaffer, Kirsten second, the Council adopted Resolution No. 3576 awarding the contract for the furnishing of three compact automobiles to Weil Motors for the amount of the bid.

RES. NO. 3576

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VACATE
EASEMENT -
ROYAL CREST #1

City Manager Graves reported that the Public Works Director had recommended that the City Council abandon an easement adjacent to the Royal Crest Subdivision Unit No. 1. The easement was dedicated to the City on October 5, 1967. The Public Works Department had determined there was no present or future use for the easement. On motion of Councilman Kirsten, Ehrhardt second, the Council adopted its Order vacating a certain easement adjacent to the Royal Crest Subdivision Unit No. 1. Councilman Schaffer abstained from the discussion and voting because of a possible conflict of interest.

R. ENGELSON -
ENGLISH OAKS
DEVELOPMENT

Mr. Robert E. Engelson, 301 North Crescent Avenue, addressed the Council concerning the discussion earlier in the meeting relative to the Westmont Development Company's proposal to dedicate to the City the "common area" in the English Oaks Manor Subdivision. Mr. Engelson, who is a member of the Lodi Unified School District Board of Trustees, stated he was speaking as a citizen and not as a member of the School Board. He felt the discussion with Mr. Houston and Mr. Meyer earlier in the meeting had indicated a kindergarten through sixth grade school was planned in the area of English Oaks Manor. He said he wished to make it clear that the School District owned no property in this area and it was indefinite as to whether or not a school would be built in the area.

The Council and the City Manager pointed out that, in the previous discussion, they were referring only to the plan that had been submitted by the developer and it was understood there were no definite plans for a school in this area.

EXECUTIVE
SESSION

The Council adjourned to executive session to discuss personnel matters at 10:00 p.m. The Council reconvened at approximately 10:15 p.m.

UNCLASSIFIED
PERSONNEL
SALARIES

RES. NO. 3578

Councilman Kirsten moved adoption of Resolution No. 3578, increasing the salary of the City Manager, City Attorney and City Clerk by 5 1/2% per month effective July 1, 1971; provided, however, should any governmental agency rule against such effective date, then the effective date of the increase in salary shall be November 15, 1971. The motion was seconded by Councilman Schaffer and carried by unanimous vote. The above three salaries were increased to the following amounts:

City Manager - \$2057 per month
City Attorney - \$ 923 per month
City Clerk - \$ 106 per month

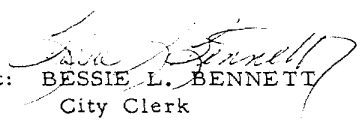
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R. FULLER -
NSJMAD

Mayor Katnich stated he wished to reappoint Mr. Robert S. Fuller to the Board of Trustees of the Northern San Joaquin Mosquito Abatement District and asked the Council's concurrence. On motion of Councilman Schaffer, Ehrhardt second, the Council concurred in the above appointment.

ADJOURNMENT

There being no further business, the meeting was adjourned on motion of Councilman Kirsten, Ehrhardt second, at approximately 10:20 p.m.


Attest: BESSIE L. BENNETT
City Clerk